

AMENDMENTS TO THE DRAWINGS:

None. Applicant respectfully submits that drawing were submitted on June 19, 2006 and are located in PAIR under Document Code "371P" Documents submitted with 371 Applications, pages 25 to 27. Accordingly, the drawing sheets have previously been filed.

## **REMARKS**

In response to the Non-Final Office Action dated February 11, 2009, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. Claims 1 to 10 are amended to correct minor claim informalities. Claims 11 to 20 are added to further clarify the claimed subject matter. Claims 1 to 20 are pending. Support for the claim changes can be found in Applicant's specification at, for example, FIGs. 1-4 and Page 5, line 11 to Page 11, line 7.

### **I. Priority Under 35 U.S.C. § 119**

Applicant appreciates the Examiner's acknowledgment of Applicant's claim for foreign priority. Applicant respectfully requests that the Examiner also acknowledge that all certified copies of the priority documents have been received.

### **II. Claim Objection**

Claims 1 to 10 are objected to because of informalities to the preambles. Applicant amends claims 1 to 10 to remove the minor informalities. Accordingly, Applicant respectfully requests that the objection to claims 1 to 10 be withdrawn.

Claims 2 to 7 and 10 are objected to because "[the] claim[s] [sic] recite[s] [sic] limitations [that] are indefinite and it [the claims] [sic] lacks proper antecedent basis (e.g. claims 2-7, 'method', claim 10, 'portable device')." Applicant notes it appears the Office Action has rejected claims 2 to 7 and 10 under 35 U.S.C. § 112, second paragraph, for lacking proper antecedent basis. Applicant respectfully disagrees.

Claims 2 to 7, which depend from claim 1, each recite "The method according to claim 1". Claim 1 also recites "A method of backing up personal data..." Therefore, Applicant respectfully asserts claims 2 to 7 do not lack antecedent basis because each claim, including independent claim 1, is directed to a "method."

Claim 10 depends from independent claim 9 which recites "A portable wireless communication device..." Claim 10 also recites "The portable device according to claim 9". Therefore, Applicant submits claim 10 does not lack antecedent basis because both claims 9 and 10 recite a "portable device." Consequently, for the reasons discussed above, Applicant respectfully requests that the objections/rejections to claims 2 to 7 and 10 for allegedly lacking antecedent basis be withdrawn.

The Office Action objected to the specification for not having any drawing sheets. Applicant notes that drawings were submitted with the application filed under 35 U.S.C. § 371 on June 19, 2006. Moreover, Applicant respectfully submits that "English language" drawings were submitted on June 19, 2006 and are located in PAIR under Document Code "371P" Documents submitted with 371 Applications, pages 25 to 27. Accordingly, drawing sheets do not appear to be required.

### **III. Claim Rejections - 35 U.S.C. § 112**

Claims 1 to 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action rejects claims 1, 8 and 9 because "the data" allegedly lacks antecedent basis. Applicant has amended claims 1 and 8 to remove the antecedent basis issue. Regarding claim 9, Applicant submits that "the data" is not recited in claim 9 and therefore an amendment is not necessary.

The Office Action rejected claim 5 because the language "STK" is allegedly vague and lacks antecedent basis. The Office Action further alleges that the term "STK" is "not defined by the claim and the specification does not provide a standard

for ascertaining degree and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Applicant respectfully disagrees. Applicant's specification clearly provides a support for the term "STK," particularly that the acronym refers to a "Subscriber Identity Module toolkit" (Applicant's specification, page 9, line 2 and page 1, lines 13-14). Furthermore, claim 5 satisfies the enablement requirement and meets the written description requirement under 35 U.S.C. § 112, first paragraph. Moreover, Applicant has amended claim 5 to remove the issue under 35 U.S.C. § 112, second paragraph. Therefore, Applicant requests the rejection to claim 5 be withdrawn.

The Office Action rejected claims 8 and 9 because the terms "being able to" and "can" are allegedly indefinite. Applicant respectfully disagrees with the Office Actions' assertion. However, Applicant has amended claims 8 and 9 to remove the alleged indefiniteness issues in order to reduce further prosecution delays.

#### **IV. Claim Rejections - 35 U.S.C. § 102**

Claims 1 and 8 to 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ludwig et al. ("*Ludwig*") (U.S. Pub. No. 2004/0107254 A1).

FIGs. 1-4 illustrate exemplary embodiments of Applicant's claim 1. The figures illustrate methods of backing up personal data of a wireless communication network subscriber, the data being memorised in a mobile communication device and backed up onto a network server, in which a first subset of data is prepared from among a batch of data to be backed up, and is transmitted to the server for backing up. The method of backing up the personal data further includes an asynchronous backup mode in which, once a subset has been transmitted to the server, the back

up is delayed by a certain period of time so as to free the mobile device for the user, and the backup is resumed at the end of this period.

Claim 1 recites, "A method of backing up personal data of a wireless communication network subscriber, the personal data being memorised in a mobile communication device and backed up in a network server, in which a first subset of data is prepared from among a batch of data to be backed up and is transmitted to the server for backing up, wherein said method includes an asynchronous backup mode in which, once a subset has been transmitted to the server, the backup is delayed by a certain period of time so as to free the mobile device for the user, and the backup is resumed at the end of this period." Applicant respectfully submits that *Ludwig* lacks disclosing, teaching or suggesting the aforementioned claim features.

*Ludwig* teaches a method of real-time communication between a plurality of users each with a communication device having an associated display, and allowing the users to collaborate and share information to replicate the benefits of face-to-face collaboration. (*Ludwig*, Abstract and paragraphs 41 and 42).

Turning to claim 1, the Office Action alleges *Ludwig* teaches "a method of backing up personal data of a wireless communication network subscriber" at paragraph 47. (Office Action, page 4). Applicant respectfully disagrees.

*Ludwig*, Paragraph 47 states:

The CMW system architecture is readily, scalable to very large enterprise-wide network environments accommodating thousands of users. Further, it is an open architecture that can accommodate appropriate standards. Finally, the CMW system incorporates an intuitive, yet powerful, user interface, making the system easy to learn and use.

Nowhere does *Ludwig* disclose "A method of backing up personal data of a wireless communication network subscriber" as recited in claim 1. Instead, *Ludwig*

discloses a collaborative multimedia workstation system architecture can accommodate thousands of users and has an open architecture that can accommodate different standards. Additionally, the CMW system has a user interface that makes the system easy to learn and use. Consequently, Applicant respectfully submits *Ludwig* does not disclose the aforementioned claim feature.

The Office Action also alleges *Ludwig* discloses "the personal data being memorised in a mobile communication device and backed up in a network server" as recited in claim 1, at paragraphs 292, 8 and 42. (Office Action, page 4). Applicant respectfully disagrees.

*Ludwig*, Paragraph 292 states:

The Expert accesses this recorded meeting from his "corporate memory." He searches the recorded meeting (which appears in a second video window on his screen as would a live meeting, along with standard controls for stop/play/rewind/fast forward/etc.) for an event that will trigger his memory using his fast forward controls, but cannot locate the desired portion of the meeting. He then elects to search the ASCII text log (which was automatically extracted in the background after the meeting had been recorded, using the latest voice recognition techniques), but still cannot locate the desired portion of the meeting. Finally, he applies an information filter to perform a content-oriented (rather than literal) search and finds the portion of the meeting he was seeking. After quickly reviewing this short portion of the previously recorded meeting, the Expert responds to the caller's question, adjourns the call and concludes his office hours.

*Ludwig*, Paragraph 8 states:

Conversely, audio and video capture and processing capabilities have recently been integrated into desktop and portable personal computers and workstations (hereinafter generically referred to as "workstations"). These capabilities have been used primarily in desktop multimedia authoring systems for producing CD-ROM-based works. While such systems are capable of processing, combining, and recording audio, video and data locally (i.e., at the desktop), they do not adequately support networked collaborative environments, principally due to the substantial bandwidth requirements for real-time transmission of high-quality, digitized audio and full-motion video which preclude conventional LANs from supporting more than a few workstations.

Thus, although currently available desktop multimedia computers frequently include videoconferencing and other multimedia or collaborative capabilities within their advertised feature set (see, e.g., A Reinhardt, "Video Conquers the Desktop," BYTE, September 1993, pp. 64-90), such systems have not yet solved the many problems inherent in any practical implementation of a scalable collaboration system.

*Ludwig*, Paragraph 42 states:

As used herein, desk-top teleconferencing includes real-time audio and/or video teleconferencing, as well as data conferencing. Data conferencing, in turn, includes snapshot sharing (sharing of "snapshots" of selected regions of the user's screen), application sharing (shared control of running applications), shared whiteboard (equivalent to sharing a "blank" window), and associated telepointing and annotation capabilities. Teleconferences may be recorded and stored for later playback, including both audio/video and all data interactions.

Although *Ludwig* discloses an expert can access a recorded meeting from his corporate memory on a portable computer and that the system has data share capabilities, *Ludwig* is silent with regard to the aforementioned feature of claim 1.

The Office Action also alleges *Ludwig* discloses, at paragraph 156, "in which a first subset of data is prepared from among a batch of data to be backed up and is transmitted to the server for backing up" as recited in claim 1. Applicant disagrees.

*Ludwig*, Paragraph 156 states:

Another alternative embodiment is to initiate a conference call from the beginning by clicking on a CONFERENCE/MOSAIC icon/button/menu item on the CMW screen. This could initiate a conference call with the call initiator as the sole participant (i.e., causing a conference bridge to be allocated such that the caller's image also appears on his/her own screen in a video mosaic, which will also include images of subsequently added participants). New participants could be invited, for example, by selecting each new party's face icon and then clicking on the ADD button.

Although *Ludwig* discloses a caller's image also appears on his/her own screen in a video mosaic, which will also include images of subsequently added

participants, such disclosure, has nothing to do with the aforementioned claim feature of claim 1.

The Office Action alleges *Ludwig* discloses "wherein said method includes an asynchronous backup mode in which, once a subset has been transmitted to the server" as recited in claim 1, at paragraph 5. Applicant respectfully disagrees.

*Ludwig*, Paragraph 5 states:

To illustrate the difficulties inherent in reproducing the beneficial effects of face-to-face collaboration in a distributed collaboration environment, consider the case of decision-making in the fast-moving commodities trading markets, where many thousands of dollars of profit (or loss) may depend on an expert trader making the right decision within hours, or even minutes, of receiving a request from a distant client. The expert requires immediate access to a wide range of potentially relevant information such as financial data, historical pricing information, current price quotes, newswire services, government policies and programs, economic forecasts, weather reports, etc. Much of this information can be processed by the expert in isolation. However, before making a decision to buy or sell, he or she will frequently need to discuss the information with other experts, who may be geographically dispersed, and with the client. One or more of these other experts may be in a meeting, on another call, or otherwise temporarily unavailable. In this event, the expert must communicate "asynchronously"--to bridge time as well as distance.

Although *Ludwig* discloses an expert must communicate asynchronously to be able to immediately access a wide range of information, such disclosure, is completely silent to an "asynchronous backup mode" as recited in claim 1.

The Office Action alleges *Ludwig* discloses "the backup is delayed by a certain period of time so as to free the mobile device for the user" as recited in claim 1, at paragraph 51. Applicant respectfully disagrees.

*Ludwig*, Paragraph 51 states:

In accordance with the present invention, the system of FIG. 1 accommodates both "real time" delay and jitter-sensitive signals (e.g., real-time audio and video conferencing) and classical



asynchronous data (e.g., data control signals as well as shared textual, graphics and other media) communication among multiple CMWs 12 regardless of their location. Although only ten CMWs 12 are illustrated in FIG. 1, it will be understood that many more could be provided. As also indicated in FIG. 1, various other multimedia resources 16 (e.g., VCRs, laserdiscs, TV feeds, etc.) are connected to MLANs 10 and are thereby accessible by individual CMWs 12.

Although *Ludwig* discloses accommodating both "real time" delay and jitter-sensitive signals, e.g., real-time audio and video teleconferencing, such disclosure lacks disclosing, teaching or suggesting the aforementioned claim feature recited in claim 1.

The Office Action alleges *Ludwig* discloses "the backup is delayed by a certain period of time so as to free the mobile device for the user" as recited in claim 1, at paragraph 139. Applicant respectfully disagrees.

*Ludwig*, Paragraph 139 states:

Videoconference calls can be initiated, for example, merely by double-clicking on these icons. When a call is initiated, the CMW typically provides a screen display that includes a live video picture of the remote conference participant, as illustrated for example in FIG. 8A. In the preferred embodiment, this display also includes control buttons/menu items that can be used to place the remote participant on hold, to resume a call on hold, to add one or more participants to the call, to initiate data sharing and to hang up the call.

Although *Ludwig* discloses buttons/menu items can be used to place the remote participant on hold, to resume a call on hold, or to add one or more participants to the call, this has nothing to do with the claim feature "the backup is resumed at the end of this period" as recited in claim 1. Accordingly, since *Ludwig* does not disclose the above-identified features of claim 1, *Ludwig* cannot support a rejection of claim 1 under 35 U.S.C. §102(e).

If *Ludwig* is relied on in any subsequent Office Action to reject claim 1, Applicant respectfully requests that the Examiner clarify his interpretation of *Ludwig*

and explain how *Ludwig* is believed to teach the above-noted features of Applicant's claim 1.

Similarly, the Office Action rejects claims 8 and 9 for "the same reason[s] as applied to claim 1 hereinabove." (Office Action, page 5). Applicant respectfully asserts that claims 8 and 9 are allowable for similar reasons claim 1 is allowable.

Applicant asserts claim 8 is additionally allowable because *Ludwig* does not disclose, teach or suggest a "server for backing up personal data" nor does *Ludwig* disclose, teach or suggest "the server "includ[es] an asynchronous server backup program" as recited in claim 8.

Additionally, Applicant asserts claim 9 is allowable because *Ludwig* does not disclose, teach or suggest "a 'device' backup application" which can "delay[ ] by a given period of time the backup of a subset of data" as recited in claim 9. Claim 10 is also allowable at least due to its dependence from claim 9.

For the reasons discussed above, Applicant respectfully requests that the rejection of claims 1 and 8 to 10 be withdrawn and the claims allowed.

#### **V. Claim Rejections - 35 U.S.C. § 103**

Claims 2 to 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ludwig* in view of Van Reenen et al. ("*Van*") (WO 03/037015 A1).

Applicant respectfully submits *Ludwig* and *Van* cannot support a rejection of claims 2 to 7 under 35 U.S.C. §103(a) because, taken individually or in combination, these references lack disclosing, teaching, or suggesting each claim feature recited in claim 1. (See MPEP 2143.03).

Each of claims 2 to 7 depend directly or indirectly from claim 1 and, thus, includes all the corresponding features recited in claim 1. As set forth above, *Ludwig*

fails to teach any of the features recited in claim 1. Thus, *Ludwig* also cannot be considered to disclose or suggest the same features included in claims 2 to 7. Moreover, *Van* says nothing with regard to these claim features and the Office Action does not rely on *Van* for any such disclosure or suggestion.

Because neither of the applied references discloses or suggests, at least, the above noted features of claim 1, *Ludwig* and *Van*, when taken individually or in any combination, cannot support a prima facie case for rejecting claims 2 to 7 under 35 U.S.C. §103(a). Claims 2 to 7 are therefore allowable over *Ludwig* in view of *Van*.

#### **VI. New Claims**

New claims 11 to 20 are allowable for at least the reasons discussed above with respect to claims 1, 8 and 9.

#### **Conclusion**

Reconsideration and withdrawal of the rejections, and allowance of all pending claims, are respectfully requested.

Respectfully submitted,

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